

1870-011 Chancery Causes: John McClure vs. Calvin Campbell & Co.
Lee Co.

Grubb, Niles, Evans, Wyrick, Hibbard, Cable, Sauser,
Oaks

1 Plat

CA - Estate Dispute
T - Property

To The Worshipful County Court of Lee County
Virginia in Chancery sitting.

The bill of Complaint of John McClure of Lee
County Virginia respectfully represents that Martin
Wynck deceased late of Lee County departed this life
about the day of 18 leaving a tract
of land to his heirs undivided and since his death
Your Orator has purchased the undivided interests
in the same of Austin Wynck and Margaret
his wife and Nicholas Bartley and Mary his
wife whose deeds of conveyance are admitted to
record and he has also purchased the interests un-
divided of John Grubb and Margaret his wife whose
deed of conveyance is also recorded. Your Orator
has also purchased the undivided interests of John
and the husband of Joanna Wynck and their
is all of whom have signed a deed for
the same to Your Orator except the Youngest
so that Your Orator owns
of the real estate of the late Martin Wynck and
which is liable to partition. Your Orator al-
leges that the other parties having an interest in
the said real estate are Calvin Campbell and Ann
Campbell his wife Lorenzo Grubb and Sarah Grubb
his wife Horrid Moles and Harriet Moles his wife
William Evans and Catharine Evans his wife and
Elizbeth Wynck widow of Michael Wynck deceased
Crockett Wynck Leander Wynck Francis Cable
and Eliza Hilbard his wife, Stephen Cable and
Jane Cable his wife Henry Sauer and Catharine
Sauer his wife and Sarah Wynck who intermarried
with some person unknown, and the unknown
heirs of Michael Wynck deceased and Francis
Wynck and Wiley Wynck who are under

Twenty one years of age and John Oaks and Elisabeth Oaks who are also under Twenty one years of age. Your Orator alledges that all the parties having any interest in the real estate of Martin Wyreck deceased are nonresidents of this State except Your Orator and Calvin Campbell and Ann Campbell his wife. Your Orator alledges that the interests of some of the parties will be so small that a partition cannot be conveniently made for them and that it would be for the interest of them that their parts should be sold and the proceeds be distributed amongst them they being nonresidents and not expecting to reside on and occupy their shares, and none of their shares will exceed in value the sum of three hundred dollars.

Now the object of this Bill is to make part of the lands of Martin Wyreck deceased, some of the parties entitled to the same according to their respective rights and interests. The prayer of Your Orator therefore is that Calvin Campbell and Ann Campbell his wife Lorenzo Grubb and Sarah Grubb his wife Horrid Moles and Harriett Moles his wife William Evans and Catharine Evans his wife and Elisabeth Wyreck widow of Michael Wyreck deceased Crockett Wyreck Lemuel Wyreck and Francis Hillard his wife, Stephen Cable and Jane Cable his wife Henry Sancer and Catharine Sancer his wife and Sarah Wyreck who intermarried with some person unknown and the unknown heirs of Michael Wyreck deceased and Francis Wyreck and Wesley Wyreck who are under twenty one years of age and John Oaks and Elisabeth Oaks who are also under the age of twenty one years be made the parties defendant

to this Bill and that the unknown heirs of Boyd Wyreck deceased be also made the parties defendant to this Bill they being also under the age of twenty one years and that all these defendants be summoned to answer the same upon their oaths and that an order of publication be made as to all the Defendants except Calvin Campbell and Ann Campbell his wife as the law requires and that a guardian ad litem be appointed to defend this Suit and answer upon his oath for the infant Defendants to wit; for Francis Wyreck Wesley Wyreck John Oaks Elisabeth Oaks and the unknown heirs of Boyd Wyreck deceased who are under twenty one years of age And that upon a hearing of this Cause a Decree be entered by the Court appointing Commissioners to make partition of the lands in this Bill mentioned among the parties entitled thereto according to their respective rights and interests in the same and that if it appear to the Court that the interests of any of the defendants will be promoted by a sale of their respective interests therein that a decree be entered accordingly And that such other and general relief be extended to your Orator as may be consistent with equity and justice and best suited to his Case. May the Commonwealth writ of Spe. issue &c.

David Miller
for Complainant.

John M. Clure,

vs. Bill in Chy.

Calvin Campbell

+ others.

Late Clerk	\$ 7.87
Pr. clk.	4.89
Atto -	15.00
Shff -	1.00
Printer -	9.75
G. A. Litem -	5.00
	<hr/> 43.51

1869. Decr. Rulio - Bill filed Sh.
Exp on Calvin and Ann Campbell
and Decree nisi as to them and
Oris of Publication against all
the other defendants, and
J. B. West, appointed Guardian
ad litem for the infant defts.
+ the cause continued.

1870. June Decree nisi Confirmed as to some
Defendants + Contd. for Publication
Feb. O. P. Confirmed + Decree nisi as
to non Resident Defts. + Contd.
March Decree nisi Confirmed
as to non Resident Defendants
and Oris. of Guardian ad litem
filed + Cause set for hearing

1870. March J. Decree + contd.
April + May contd.
June + July contd.
Augt contd.
Sept Decree Final

To the Worshipful County Court of Lee County, in Chancery sitting:-

The answer of Francis Myrick, Wesley Myrick, John Oaks, Elizabeth Oaks, and the unknown heirs of Boyd Myrick de'd, infant defendants to a bill filed in this Court by one John M: Chuse against them and others, by John B. West - their Guardian ad litem.

Respondent, after first saving the benefit of all just and proper exceptions to said Bill, for answer thereto says:- That he knows of no facts or fact which is competent to refute any of the statements of said Bill, were the same to the interest of his wards. at law, nor have they informed him of anything which sufficiently answer the allegations thereof; but as his said wards are of tender years and therefore not able to understand their legal rights, your respondent looks for and asks protection from this Worshipful Court of their said rights as the peculiar Guardian of infants like these. May it please your Worship to hold the self to strict proof of all matters set forth in his pleadings which might in any way be prejudicial to these infants, & if necessary to sell ~~thence~~ ^{in the bill mentioned}, only so much thereof as shall be ^{dealt in} ~~be sold~~ as will best answer the bill aforesaid as seems material to answer, your respondent prays to be hence dismissed of costs.

John B. West, Guardian ad litem.

Fee \$5.00

Sworn to before me by said West, Guardian ad litem this day of

Dealt in ⁱⁿ ~~in~~ ^{the} ~~the~~ ^{rights} ~~rights~~ ^{of} ~~of~~ ^{the} ~~the~~ ^{ward} ~~ward~~ ^{as} ~~as~~ ⁱⁿ ~~in~~ ^{the} ~~the~~ ^{bill} ~~bill~~ ^{mentioned} ~~mentioned~~

John McClure

no. 3 {renewer of Guardian and
Liberator, &c.

Galvin Campbell et al.

John McClure Plaintiff } Decree final.
 against Calvin Campbell & others Defendants

This Cause came on this day again to be heard upon the papers formerly read in this Cause and the report of the Commissioners appointed by a former decree of this Court who had made partition of the lands in the bill mentioned and was argued by Counsel and it appearing to the Court that the Commissioners report of partition had been filed in the Clerks office of Lee County Court more than 30 days before this term of the Court and no exceptions having yet been filed thereto the same is hereby confirmed and the said parties shall hold the same as allotted to them in fee simple independent of each other. And it further appearing to the Court that this partition of the lands in the bill mentioned is beneficial to all the parties to this suit it is hereby adjudged ordered and decreed that each one pay their portion of the legal cost in proportion of their interest in the lands hereby partitioned that is to say the said John McClure shall pay 6/8 and one half ninths of the same and the said Calvin Campbell, ^{and Ann his wife} shall pay one ninth of the same and the heirs of Michael Wyreck decd shall pay the one ninth of the same and Lorenzo Grub Hardy Moles and Harriet his wife Elizabeth oak and John ^{capl} (heirs of David oak and John oak Mary Ann his wife) the one half of the one ninth and the Guardians of the infants defendants shall pay the same out of the effects of their wards and be allowed the same in a settlement with the Commissioner and whatever the plaintiff pays or may have paid over and above his part of the costs he shall recover the same from defendants in proportion to their interests therein and

it is hereby further adjudged ordered and decreed that
the Clerk of the County Court of Lee County record
the said report of Commissioners hereby Confirmed in the
Deed Book in his office Together with this Clause of
this decree and this cause is ordered to be Stricken
from the docket

John W. Cline

W. J. Deere's final

Calvin Campbell
& others

Entered O. B. Page 100th.

James H. Orr, D.C.

Enter this Decree

H. Morgan

Sept 20th 1870

John M. Clure
against
Calvin Campbell & others

plff. }
Defts. } Decree in Chy

This Cause came on this day to be heard upon the Complainants bill filed and the ~~Guardian~~ Answer of John B. West Guardian ad litem for the infant defendants filed in this Cause and was argued by Counsel And it appearing to the Court that process had been duly served on the resident defendants more than two months before this term of the Court and that an order of publication had been duly made posted and published in the manner and in the time required by law and the time required by law having elapsed since the due publication of said order and it further appearing to the Court that this Cause was regularly matured at rules and regularly set for hearing And that it further appears to the Court that the parties to this suit are owners of the real estate of Martin Wyrick deceased but having different interests in the same and that the same is liable to partition among the parties to this suit according to their respective rights and interests in the same:

It is therefore adjudged ordered and decreed by the Court that Eli Davis Alexander Snodgrass and Joseph R. Thomas be and are hereby appointed Commissioners whose duty it shall be to go upon the lands in the bill mentioned and make partition of the lands in the bill mentioned among the parties entitled to the same according to their respective rights and interests in the same quantity and quality Considered laying off and allotting ^{together} the shares belonging to

the plaintiff if he so elects And it further
appearing to the Court that the interests of
the nonresident Defendants will be so small
when partitioned amongst them as to make them
of but little value It is therefore further adjudged
ordered and decreed by this Court that the said
Commissioners assess the value of the whole interest
of the nonresident defendants and that they re-
port to Court a fair plat and report of their
said partition and also a report of their as-
-essment as aforesaid And the plaintiff recover
of the defendants the Costs of this suit and the
Cause is continued until the next Term.

John McLeod
Atty. General in City
Calvin Campbell
& others

Virginia

At a Court Continued and held for
Lee County Virginia at the Courthouse
thereof on wednesday the 23rd day
of March 1870.

John McClure

Plaintiff

against

Calvin Campbell & others Defendants

} In Chancery

This Cause Came on this day to be heard
upon the Complainant's bill filed and the answer
of John B. West Guardian ad litem for the in-
fant defendants filed in this Cause, and was
argued by Counsel; and it appearing to
the Court that process had been duly served
on the resident defendants more than two
months before this term of the Court, and that
an order of publication had been duly made
posted and published in the manner and in
the time required by law, and the time
having elapsed since the due publication of
of said order; and it further appearing
to the Court that this Cause was regularly
matured at rules and regularly set for hearing
and it further appearing to the Court that
the parties to this Suit are owners of the
real estate of Martin Wysock deceased, but
having different interests in the same
and that the same is liable to partition
among the parties to this Suit according
to their rights and interests in the same.

It is therefore Adjudged ordered and
decreed by the Court that Eli Davis Al-
exander Snodgrass and Joseph B. Thomas

be and are hereby appointed Commis-
-sioners whose duty it shall be to go
upon the lands in the bill mentioned
and make partition of the lands in
the bill mentioned among the parties
entitled to the same according to their
respective rights and interests in the
same quantity and quality considered
laying off and allotting together the
shares belonging to the plaintiff if he
so elects, and it further appearing
to the Court that the interests of the non-
-resident defendants will be so small
when partitioned amongst them as to
make them of but little value,

It is therefore further adjudged
ordered and decreed by this Court that
the said Commissioners assess the value of
the whole interest of the nonresident defend-
-ants, and that they report to Court
a fair plat and report of their said
partition, and also a report of
their assessment as aforesaid and the
plaintiff recover of the Defendants
the Costs of this suit and the Cause
is continued until the next term.

A copy.

Leck. J. B. West D.C.

John M^cClure
no 3 Copy of Decree
Calvin Campbell Esq

Fu Bill

John M. Chere

vs } Comrs plat & Reports.

Calvin Campbell

1870. May Term Filed

J. B. West, clk.

Recorded in Deed Book
No 16. Page 122 & 123.

James W Orr, D. C.

1
Pursuant to an Order of the County Court of Lee County dated on the 23rd day of March 1870 for the partition and assignment of the lands belonging to Martin Wirick at his decease.

We, whose names are hereunto Subscribed proceeded on the 27th day of April 1870 to survey the said lands and assign them to their proper owners according to their interests in the manner following.

As it appeared that John McClure plaintiff had purchased Six and a half ninths of the said land, we laid off his entire interest at his request in one body which is represented on the plat annexed by Figure 12. 13. 14. 15. 16. 17. 21. 22. 3. 4. 5. 6. 12 and bounded as follows.

Beginning at a Stake on J. R. Thomas's line and running thence with it N. 33 W. 35 poles to a poplar James Woodards' corner and thence with his lines N. 85 W. 48 poles to a gum; thence N. 78 W. 57 poles to a Spanish oak black Oak and post Oak; thence N. 14 W. 44 poles to a black Oak and Spanish Oak; thence N. 33 W. 34 poles to a small Spanish Oak; on said woodards' line corner to a 20 acre lot which we have assigned to ^{some} ~~three~~ of the heirs of ^{archibald Gubb} ~~Michael Wirick~~ Deceased (the other heirs having sold to John McClure their interest) thence leaving Woodards' line and running with a line of the said 20 Acre lot S. 67 W. 100 poles to a black Oak; thence S. 15 W. 100 poles to a chestnut Oak corner to

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a 50 Acre lot assigned to Calvin Campbell and Ann his wife and thence with a line of the same S. 66 W. E. 159 poles to a black Oak; thence N. 76 E. 15 poles to a chestnut Oak on a ridge corner to Hamblens' land and with lines of the same Eastwardly 68 poles to the beginning corner of a 43 acre lot, ^{a small black oak & 2 sourwoods} thence N. 34 E. 126 poles to beginning Estimated to contain 205 Acres.

Secondly,

We have laid off and assigned to Calvin Campbell and Ann his wife a lot Estimated to contain 50 acres represented on the plat by the Figure 1. 2. 3. 22. 1. and bounded as follows viz:

Beginning at a corner of Josephas Grabeals' land on the McCredie line on the East side of a hollow and running thence with said Grabeals' line N. 76 E. ^{32 poles} to a corner of Silas Wolfes' land and thence with a line thereof the same course N. 76 E. 149 poles to a black Oak; corner to John McClure's land and with a line thereof N. 66 W. 159 poles to a chestnut Oak on the McCredie line and with it S. 15 W. to the beginning.

Thirdly,

We have laid off and assigned to the heirs of Michael Wirick Deceased a lot Estimated to contain 43 acres represented on the plat by the Figure 6. 7. 8. 9. 10. 11. 12. 6 and bounded as follows viz:

Beginning at a small black oak and two
 Sourwoods on Hamblen's line and running thence
 S. 79 E. 3 poles to a large black oak; thence
 with Hamblen's line N. 85 E. 59 poles to a chestnut
 and two poplar saplings; thence S. 65 E. 28 poles
 to a black oak; thence S. 80 E. 27 poles to two
 hickories; thence N. 59 E. 26 poles to a maple and
 Sugar tree on a hill side; corner to J. R. Thomas's
 land and with a line thence N. 33 W. 120 poles
 to a stake; thence S. 34 W. 126 poles to the beginning.

Fourthly,

We have assigned to Lorenzo Grubb, Hardy
 Moles and Harriet his wife, Elizabeth Oak, and John
 Oak, (Heirs of David Oak and Mary Ann his wife)
 a lot estimated to contain 20 acres which we
 consider one half of one ninth of the lands.
 This lot is one half of the share of the heirs
 of Archibald Grubb and Elizabeth his wife.
 The other half having been purchased by the
 said McClure. This lot is represented on the plat
 by the figures 17. 18. 19. 20. 21. 17. and bounded as
 follows viz:

Beginning at a small Spanish Oak on J. Woodard's
 line and running thence with his line N. 33 W. 2 poles
 to a white Oak; thence N. 18 W. 36 poles to a poplar
 thence S. 67½ W. 72 poles to a chestnut and two hickory
 bushes; on the McCredie line and with it
 S. 15 W. 50 poles to a ^{black oak} N. 67½ E. 100 poles to the beginning.

We have estimated the value of the 20 acre
 lot at \$ 75.00 and the 43 acre lot at \$ 150.00

Thus we have endeavored to discharge the duties
required of us by the Order of Court faithfully,
as Commissioners.

See the plat herewith annexed.

Respectfully Submitted

April 27th, 1870.

Eli Davis,
Joseph R. Thomas,
Alexander Snodgrass,
Commissioners.

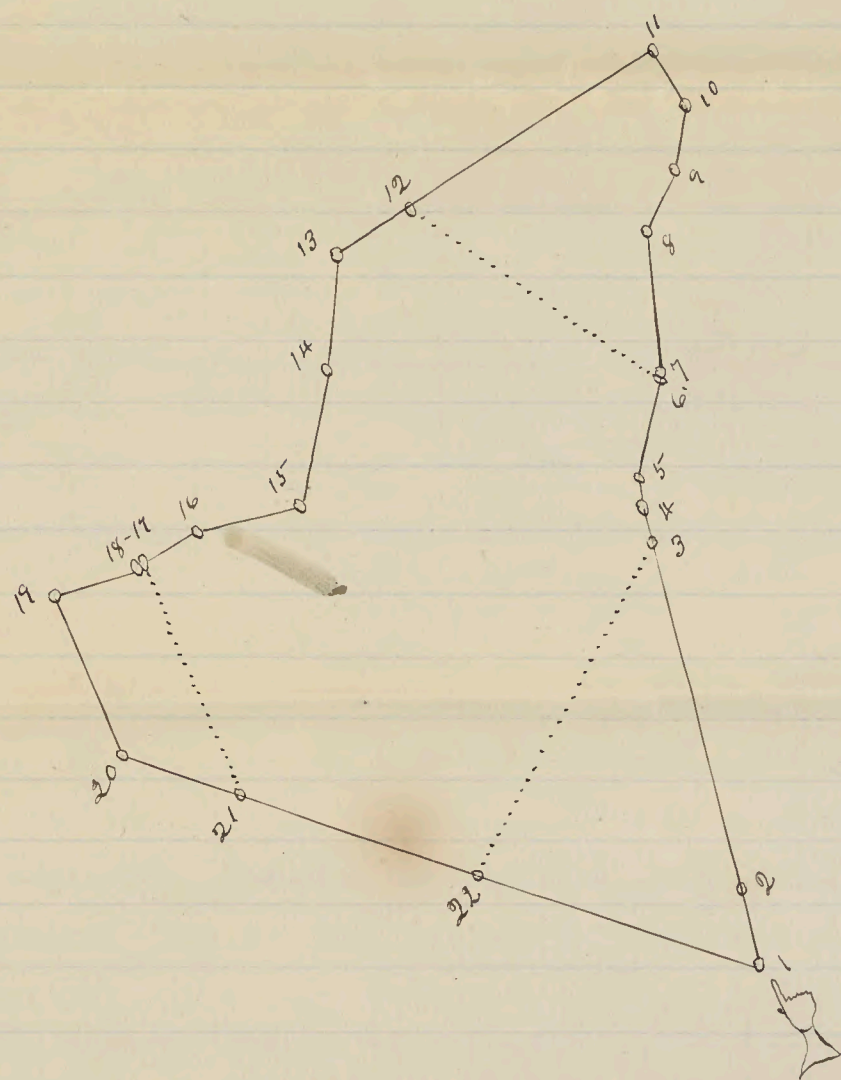
Fees.

Eli Davis 3 days.	paid	\$ 6.00
J. R. Thomas 2 days.	paid	2.00
Alex. Snodgrass " do,	paid.	2.00
Paid,		\$ 10.00

North.

Meridian line.

South.



B Dickinson's Heirs

vs

Wm C. Dickinson's Heirs

In Chancery

This cause came on this 19th
August 1861, to be heard on the bill & exhibits
filed in the cause, and was argued by Counsel
wherefore it is ordered, adjudged & decreed that
Eli B. Crockett be and is hereby appointed
a Commissioner whose duty it shall
be to convey the land directed to be sold
by a former decree of this Court, to the
purchaser, or his assignee, and report
to a future term of this Court.

Entire Aug Term
1861. Page 200

Virginia

At Rules held in the Clerk's office of the County Court of
Lee County on Monday the 6th day of December 1869.

John M. Blair

Plff,

vs

Calvin Campbell, Ann Campbell, George Grubb,
Sarah Grubb, Harred Males, Harveth Males, William
Evans, Catharine Evans, Elizabeth Weyrick, Crockett
Weyrick, Leander Weyrick, Frank Hibbard, Eliza
Hibbard, Stephen Cable, Jane Cable, Henry Sausser,
Catharine Sausser, — Weyrick, Sarah Weyrick,
The unknown heirs of Michael Weyrick deceased, Frances
Weyrick, Wesley Weyrick, The unknown heirs of
Boyd Weyrick deceased, and John Oaks and
Elizabeth Oaks his wife

Defdy

Def'to

The object of this suit is to obtain a partition of the lands in
the bill mentioned among the parties according to their
respective rights, and also if it shall be shown ^{to be proper} ~~that~~ that
a portion thereof be sold, and it appearing from an affidavit
filed in the cause, that each of the said defendants, except Calvin
Campbell and Ann Campbell his wife are non residents
of this State they are therefore ordered to appear here within
one month after due publication of this order to do what is neces-
-sary to protect their interest in this suit

John B. West, D.C.

I do certify that on Monday Decr 20th 1869, that being court
day I posted at the door of the court house of Lee County a copy
of the above order.

John B. West D.C.

Decr 20 1869.

John McBlure

Order Publication

Calvin Campbell & Co

Free Bill

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Calvin Campbell & Ann, his wife, Lorenzo Grubb and Sarah, his wife, Horred Moles & Harriett, his wife, William Erays & Catherine, his wife, Elizabeth Myrick, Crockett Myrick, Leander Myrick, Frank Hillard and Eliza, his wife, Stephen Cable and Jane, his wife, Henry Sancer (and) Catherine, his wife, — Myrick and Sarah, his wife, the unknown Heirs of Michael Myrick deid, Francis Myrick, Wesley Myrick, the unknown heirs of Boyd Myrick and John Oaks and Elizabeth Oaks.*

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *first* Monday in *December* next, to answer a bill in chancery, exhibited in our said court, against *them* by *John McClure*

And have then there this writ, Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this *23^d* day of *November* 186*9*, in the *94th* year of the Commonwealth.

John B. West, D. Clerk

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John McClure

vs { Spain chy

Calvin Campbell Trustee

December Rules 1869.

Exerts on Calvin
Campbell & Wife
other not paid R. L. L. & J. S.

For Bill

VIRGINIA :

WASHINGTON COUNTY, TO WIT :

I do hereby certify that the annexed Notice has been published
four weeks successively, ending *14th Jan'y* 1869

in the "ABINGDON VIRGINIAN," a newspaper published in the
town of Abingdon, Va. Given under my hand this *19th*
day of *March*, 1869. *70*

Geo. D. Barr
Jr Ed "Virginian"

VIRGINIA:—At Rules held in the Clerk's office of the County Court of Lee county, on Monday, the 6th day of December, 1869:

John McClure,

Plff.

vs.

Calvin Campbell, Ann Campbell, Lorenzo Grubb,
Sarah Grubb, Horred Moles, Harriett Moles,
William Evans, Catherine Evans, Elizabeth Wyrick,
Crockett Wyrick, Leander Wyrick, Frank Hibbard, Eliza Hibbard, Stephen Cable, Jane Cable, Henry Sauser, Catherine Sauser, —
Wyrick, Sarah Wyrick, the unknown heirs of Michael Wyrick, deceased, Francis Wyrick, Wesley Wyrick, the unknown heirs of Boyd Wyrick, deceased, and John Oaks and Elizabeth Oaks his wife, Defts.

IN CHANCERY.

The object of this suit is to obtain a partition of the lands in the Bill mentioned among the parties, according to thier respective rights, and also if it shall be shown to be proper that a portion thereof be sold. And it appearing from an affidavit filed in the cause, that each of the said defendants except Calvin Campbell and Ann Campbell, his wife, are non-residents of this State, they are therefore ordered to appear here within one month after due publication of this order, to do what is necessary to protect their interest in this suit.

JOHN B. WEST, D. C.

A Copy.—Teste,

Dec. 24, 1869.—4w.

JOHN B. WEST, D. C.

ALBERTA

THE UNIVERSITY OF ALBERTA

EDMONTON, ALBERTA, CANADA

1961

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End